

RECEIVED
FEDERAL ELECTION
COMMISSION

October 25, 2010

2010 OCT 29 PM 3:17

OFFICE OF GENERAL
COUNSEL

Office of General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

MUR # 6415

RE: Complaint for Violation of Federal Election Campaign Laws

Dear General Counsel:

I am enclosing a verified, notarized complaint against U.S. House of Representatives candidate from South Dakota, Kristi Noem, and her campaign finance committee, "Kristi for Congress", for violation of the identification provisions of Section 441d of the Federal Election Campaign Laws..

Please contact me if you need further information or have any questions.

Thank you.

Betty Breck

Betty Breck
PO Box 441
Groton, SD 57445

Enclosure:

Original and 3 copies of
Complaint with Exhibit A

11044310105

RECEIVED
FEDERAL ELECTION
COMMISSION

**COMPLAINT FOR VIOLATION OF
FEDERAL ELECTION CAMPAIGN LAWS
(Section 441d)**

2010 OCT 29 PH 3: 17

OFFICE OF GENERAL
COUNSEL

1. **PARTIES**

Complainant:

Betty Breck
PO Box 441
Groton, South Dakota 57445

MUR # 6415

Respondents:

Kristi Noem
Candidate for United States House from South Dakota
FEC Candidate ID # HOSD00054

"Kristi for Congress" Campaign Finance Committee
Ted Hustead, Treasurer
Authorized political committee of Candidate Kristi Noem
FEC Committee # C00476853

2. **RELEVANT LAWS**

Section 441d(a)(1) of the Federal Election Campaign Laws states in pertinent part:

"Whenever a political committee makes a disbursement for the purpose of financing any communication through any....newspaper...., such communication if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee...."

3. **FACTS**

On September 30, 2010, and again on October 21, 2010, what appeared to be two political ads on one page were published in the major South Dakota daily newspapers. A copy of the ads is attached hereto as Exhibit A.

The page contains two distinct and separate boxes, totally separate physically, and completely unconnected on the page. There is no line tying them together, and no box or border enclosing them both. There is no continuity of content between the boxes. The color and layout of the boxes are opposite: the top one is black on white; the bottom one is white on black. The definite appearance is of two separate and distinct ads.

The larger top ad is enclosed in a box, and is clearly marked "Paid for by Kristi for Congress", as required by law. The disclaimer is at the bottom center of this ad, indicating the end of that ad. The arrangement on the page clearly indicates that only the top box ad was paid for by Noem.

11044310106

The bottom third of the page contains a separate and distinct ad entitled "Washington is Broken", and features a photo of President Obama. The bottom ad gives no indication that it is connected to the top ad. The identity of the candidate sponsoring it or the candidate against whom it is aimed is not readily apparent. It does not say who paid for it.

On October 22, 2010, Complainant spoke to David Bordewyk, General Manager of the South Dakota Newspaper Association ("SDNA"), telephone (800) 658-3697. From this conversation, Complainant learned that the SDNA sold the ads to the campaign committee on behalf of its member newspapers. Respondents Noem and her campaign finance committee delivered the ads to the SDNA as one full-page, camera-ready ad, paid for by Noem and her committee. The SDNA then distributed them to the newspapers that would be publishing them.

Based on the foregoing information, Complainant alleges that Kristi Noem and her campaign finance committee, "Kristi for Congress", violated the identification requirements of Section 4414 of the Federal Election Campaign Laws.

Dated this 25 day of October, 2010.

Betty Breck
Betty Breck, Complainant
PO Box 441
Groton, SD 57445

Attachment:

Exhibit A: Copy of ads

VERIFICATION OF COMPLAINT

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF BROWN)

Betty Breck, being first duly sworn upon oath, states under penalty of perjury that she is the Complainant, and as such prepared and has read the above and foregoing Complaint for Violation of Federal Election Campaign Laws, understands the contents thereof, and the same is true according to her own knowledge, except as to matters therein stated upon information and belief, and as to such matters believes the same to be true.

Dated this 25 day of October, 2010.

Betty Breck
Betty Breck
PO Box 441
Groton, SD 57445

11044310107

NOTARIZATION OF COMPLAINT

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF BROWN)

ss.

On this 25 day of October, 2010, before me, the undersigned, a Notary Public in and for the State of South Dakota, personally appeared Betty Breck, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this Complaint for Violation of Federal Election Campaign Laws, and who, being first duly sworn under oath, under penalty of perjury, executed the foregoing instrument for the purposes therein contained.

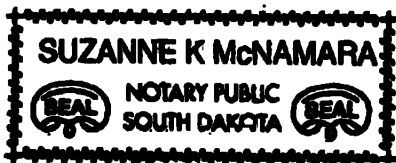
In witness whereof I hereunto set my hand and official seal.

Suzanne K. McNamara
Notary Public in and for
the State of South Dakota

(Notary Seal)

My Commission expires:

March 18, 2015



— 11044310108

South Dakota has one voice in Congress.

It needs to be speaking for you.



Here on the ranch in South Dakota, we don't take a lot of polls. Or hold many caucuses. We do what needs to be done. That's what I'll do in Washington. Unlike my opponent, I'll vote to:

- Lower the national debt
- Vote against wasteful spending
- Repeal government mandated health care.
- Work every day to create jobs

I believe government should serve the people - not the other way around. And I know how to balance a budget. I have worked as a farmer-rancher for 17 years and serve as a state representative, fighting to keep our state budget in shape.

My first vote won't be to make Nancy Pelosi Speaker.



www.KristiForCongress.com

PAID FOR BY KRISTI FOR CONGRESS



Here on the ranch in South Dakota, we don't take a lot of polls. Or hold many caucuses. We do what needs to be done. That's what I'll do in Washington. Unlike my opponent, I'll vote to:

- Lower the national debt
- Vote against wasteful spending
- Repeal government mandated health care
- Work every day to create jobs

I believe government should serve the people - not the other way around. And I know how to balance a budget: I have worked as a farmer-rancher for 17 years and serve as a state representative, fighting to keep our state budget in shape.

My first vote won't be to make Nancy Pelosi Speaker.

Kristi Noem



www.KristiForCongress.com

PAID FOR BY KRISTI FOR CONGRESS

WASHINGTON IS BROKEN

Washington is attacking our freedom, refusing to balance the budget and piling up debt. Our children will have to pay it.

- X Fewer jobs
- X Government-run Health care
- X Wasteful spending
- X Putting special interests ahead of small businesses

The truth is we don't have a job in Congress right now, just a rubber stamp for the Obama-Pelosi big government agenda.